

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

FORD MOTOR COMPANY,

Plaintiff,

v.

Case No. 06-13346

UNITED STATES CUSTOMS AND BORDER
PROTECTION,

District Judge Arthur J. Tarnow
Magistrate Judge Steven D. Pepe

Defendant.

**ORDER ADOPTING IN PART AND REJECTING IN PART REPORT AND RECOMMENDATION;
AND GRANTING IN PART AND DENYING WITHOUT PREJUDICE IN PART DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT [28]**

Before the court is Magistrate Judge Pepe's report and recommendation, as well as objections filed by Ford and the government.

The court agrees that the *Vaughn* index is inadequate for the reasons explained by Magistrate Judge Pepe.

As for the search itself, CBP's search was mostly adequate, except for its search for documents by electronic means. First, the agency must describe the criteria used for the electronic searches in every office where those searches took place. Second, the agency should employ more flexible search criteria. For instance, it is inadequate to simply search for the entire string, "Ford Motor Company," in only the header fields (To, From, and Subject).

The court accepts the remainder of the report and recommendation's analysis regarding the adequacy of the agency's search.

Accordingly, the government's motion for summary judgment is DENIED WITHOUT PREJUDICE as outlined in the report and recommendation and as to the adequacy of the search

by electronic means. The balance of the motion is GRANTED.

The parties are directed to confer with Magistrate Judge Pepe to set a schedule for the rest of this litigation.

SO ORDERED.

S/ARTHUR J. TARNOW
Arthur J. Tarnow
United States District Judge

Dated: November 12, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 12, 2008, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR
Case Manager